

**Bountiful City**  
**Administrative Committee Minutes**  
**May 18, 2015**

**Present:** Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and Dave Badham; Assistant Planner – Tayler Jensen; Recording Secretary – Julie Holmgren.

**Excused:** Committee Member – John Marc Knight.

**1. Welcome and Introductions.**

Chairman Wilkinson opened the meeting at 5:00 p.m. and introduced all present.

**2. Consider approval of minutes for May 11, 2015.**

Mr. Cheney made a motion to approve the minutes for May 11, 2015 with a correction to be made to the tally results on page 3 (which should correctly read as “2-1”). Mr. Wilkinson seconded the motion.

|              |                        |
|--------------|------------------------|
| <u>  A  </u> | Mr. Wilkinson          |
| <u>  A  </u> | Mr. Cheney             |
|              | Mr. Badham (Abstained) |

Motion passed 2-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Home Occupation Lawn Care Business (aerating) at 412 West 2350 South, Fernando Mancilla, applicant.**

Fernando Mancilla, applicant, was present.

Tayler Jensen presented a summary of the staff report (the full staff report follows).

The property where the Lawn Care (aerating) Business is proposed is located in the R-4 Single Family Zone. Home Occupation lawn care/landscaping businesses are classified in the City Ordinance as requiring a conditional use permit.

The application submitted indicates tools and aeration machine are to be stored in an existing shed. The application indicates there are no employees, and no pesticides will be used. One truck and trailer will be used for the home occupation.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall obtain a business license.

2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. Noise, dust, fumes, glare, traffic, etc)
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City

**PUBLIC HEARING:** Chairman Wilkinson opened the Public Hearing at 5:04 p.m., and the hearing was closed at 5:04 p.m. with no comment from the public.

Mr. Badham asked what type of trailer would be used. Mr. Mancilla indicated he has an open 5x10' trailer, the aerator will be stored in a shed when not in use, and the business will only involve aerating.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for a Home Occupation Lawn Care Business (aerating) at 412 West 2350 South, Fernando Mancilla, applicant. Mr. Cheney seconded the motion.

  A        Mr. Wilkinson  
  A        Mr. Cheney  
  A        Mr. Badham

Motion passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1098 East Canyon Creek Drive, Brad Hansen, applicant.**

Eric Beard was present, representing Brad Hansen, applicant.

Tayler Jensen presented a summary of the staff report (the full staff report follows).

The applicant's proposed home is in a Residential Single-Family R-F Zone. The applicant would like to construct an Accessory Dwelling Unit on the second level of their proposed home for a family member. Plans submitted show the accessory dwelling will include a full kitchen, a full bath, a washer/dryer, bedroom, and living space. The plans for the accessory dwelling unit are currently being reviewed in conjunction with the building permit for the primary residence.

Single-family homes with second kitchens can be problematic in maintaining the proper use of the home once the property changes hands or when new situations arise. There can be a desire to use the space as an income producing unit which is not allowed. Therefore, this type of configuration should be viewed as an "anticipated detrimental effect" as described in the Utah State Code which reads:

**10-9a-507      Conditional Uses**

2.      *A. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated*

*detrimental effects of the proposed use in accordance with applicable standards.*

*B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

According to the plans submitted the home will maintain the appearance of a single-family residential home. There is adequate off street parking to facilitate both the primary residence and the Accessory Dwelling Unit. With the construction of the ADU the home will still meet setbacks, easements, and height restrictions. The ADU will not occupy more than 25% of the square footage of primary structure. The lot is 3.98 Acres and the ADU will have minimal impact on neighboring properties.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The principal owner(s) of the property must occupy the primary structure.
2. No occupancy of the ADU shall occur until after passing final inspection.
3. The property is to be used only as a single-family use and shall be subject to a deed restriction, recorded with Davis County prior to obtaining a building permit.
4. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.

**PUBLIC HEARING:** Chairman Wilkinson opened the Public Hearing at 5:09 p.m., and the hearing was closed at 5:09 p.m. with no comment from the public.

Mr. Wilkinson noted that although the ADU is designated on the plans as a “guest apartment,” it is to be solely used for family members. Mr. Badham asked Mr. Beard to make sure the Hansens understand who can occupy the apartment and that it will require a deed restriction. Mr. Beard stated his clients will only use the apartment for family members. Mr. Wilkinson clarified the ADU is not approved as a duplex.

Mr. Cheney made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1098 East Canyon Creek Drive, Brad Hansen, applicant. Mr. Badham seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Badham

Motion passed 3-0.

**5. Consider approval of a Lot Line Adjustment at 3160 South 400 East and 3187 South 200 East, David Sparks and Robert Lindsay, applicants.**

Robert Lindsay, applicant, was present.

Tayler Jensen presented a summary of the staff report (the full staff report follows).

The applicants are applying for a Lot Line Adjustment between their properties at 3160 South 400 East and 3187 South 200 East in Bountiful, Utah. Both properties are located in the R-3 Single-Family Residential Zone. The purpose of the property line adjustment is to move the common rear property line to the west in order to formalize the current use of the land as the rear yard of the Sparks property. The property to be adjusted includes a remnant parcel located between the boundaries of Alda Verda Plat A and North Canyon Estates Plat A.

No new lots are being created in this transfer so this does not need to be an amended subdivision plat.

The amended properties would still conform to the setbacks and lot sizes for this zone required in the City's Land Use Ordinance.

No public easements will be affected on either property.

Based on findings, Staff recommends approval for a lot line adjustment, with the following condition:

1. The approved lot line adjustment is recorded with the County.

Mr. Badham requested clarification of the lots. Mr. Lindsay explained the lot line adjustment is taking care of a fragmented piece of property. Mr. Badham asked if the lot line adjustment is merely a cleanup thing. Mr. Lindsay answered affirmatively and said that a new vinyl fence will be placed following the lot lines. He will file the appropriate Quit Claim Deed.

Mr. Cheney made a motion to approve a Lot Line Adjustment at 3160 South 400 East and 3187 South 200 East, David Sparks and Robert Lindsay, applicants. Mr. Badham seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Badham

Motion passed 3-0.

6. **Consider approval of a Conditional Use Permit, in written form, to allow for a General Retail Business With Outside Storage at 85 North 200 West, Cheryl Engh (Cheryl Engh Unique Gardens LLC), applicant.**

Mr. Cheney made a motion to approve a Conditional Use Permit, in written form, to allow for a General Retail Business With Outside Storage at 85 North 200 West, Cheryl Engh (Cheryl Engh Unique Gardens LLC), applicant. Mr. Wilkinson seconded the motion.

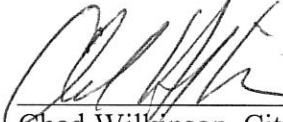
A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Badham

Motion passed 3-0.

7. **Miscellaneous business and scheduling.**

Chairman Wilkinson ascertained there were no further items of business.

The meeting was adjourned at 5:18 p.m.

  
Chad Wilkinson, City Planner